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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Revised estimates arising in respect of Security Council resolution 1512 (2003) on the establishment of five additional ad litem judges in the International Criminal Tribunal for Rwanda

Report of the Secretary-General

Summary

The Security Council, by its resolution 1512 (2003) of 27 October 2003, decided to authorize the use of up to nine ad litem judges at any one time in the International Criminal Tribunal for Rwanda. The present report sets out the resource requirements for the biennium 2004-2005 arising from the establishment of five additional ad litem judges in the Tribunal, which would be further to the number of ad litem judges previously approved by the General Assembly in its resolution 57/289.

The estimated additional requirements would amount to $12,239,600 gross ($11,193,400 net), with an additional 45 temporary posts, thus increasing the overall requirements for the International Criminal Tribunal for Rwanda for the biennium 2004-2005 from US$ 239,148,800 gross ($216,275,800 net) to $251,388,400 gross ($227,469,200 net) at 2004-2005 rates.

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I. Introduction

1. The Secretary-General, in a letter dated 3 October 2003, conveyed for the consideration of the Security Council a letter dated 29 September 2003 from the President of the International Criminal Tribunal for Rwanda, Judge Erik Mose (S/2003/946).

2. In his letter, Judge Mose requested the Security Council to amend the statute of the International Criminal Tribunal for Rwanda so that the Tribunal would be authorized to make use of up to nine ad litem judges at any one time, rather than a maximum of four, as at present. Strengthening the Tribunal's judicial capacity from four ad litem judges to nine ad litem judges would most probably place it in a position to complete all trial activities at first instance by the end of 2008, the target that the Security Council set in its resolution 1503 (2003) of 28 August 2003, or would at least enable the Tribunal to come very close to achieving that target. If the Tribunal's Trial Chamber capacity were to remain unchanged, it would take until 2011 for the Tribunal to complete trials of those suspects currently being prosecuted or still at large.

3. By its resolution 1512 (2003) of 27 October 2003, the Security Council decided to amend articles 11 and 12 quater of the statute of the International Criminal Tribunal for Rwanda, thereby authorizing the use of a maximum at any one time of nine ad litem independent judges.

4. The introduction of five additional ad litem judges, which will assist in disposing of the pending caseload of the Chambers, will require additional resources in terms of staffing and related costs. The additional resources related to the five additional ad litem judges, inclusive of 45 new support staff, general temporary assistance, travel, contractual services, general operating expenses, supplies, equipment and related services, as set out in tables 1 and 2, would amount to US$ 12,239,600 gross ($11,193,400 net).

5. According to current estimates and under the current judicial capacity, it would take 3 bienniums in addition to the 2004-2005 biennium and estimated resource requirements in the amount of $956.0 million (at 2004-2005 rates) in order for the International Criminal Tribunal for Rwanda to complete its work. By contrast, with a maximum of nine ad litem judges at any one time, it would take 1.5 bienniums in addition to the 2004-2005 beinnium for the Tribunal to deliver its mandate. The estimated additional requirements would amount to $12 million per biennium, or a total of $30 million (at 2004-2005 rates) through 2008, resulting in estimated savings for the Tribunal of $328.1 million ($950.6 million less $628.5 million).

II. Indicative resource requirements

6. The overall changes in resource requirements for the biennium 2004-2005 are set out in tables 1 and 2. The requirements are proportionately comparable to the level of resources approved by the General Assembly previously when ad litem judges were first introduced to both the Tribunal for Rwanda and the Tribunal for the former Yugoslavia.

Table 1
Requirements by object of expenditure

(Thousands of United States dollars)

Object of expenditure	*A/58/269*	*A/58/368*	*S/RES/1512 (2003)*	*Revised estimated requirements*[a]
Posts	149 601.8	3 217.9	6 657.7	159 477.4
Other staff costs	25 253.2	-	353.8	25 607.0
Non-staff compensation	6 867.4	-	2 400.1	9 267.5
Consultants and experts	1 158.6	-	292.4	1 451.0
Travel of representatives	477.1	-	45.0	522.1
Travel of staff	5 262.4	200	-	5 462.4
Contractual services	1 505.3	-	-	1 505.3
General operating expenses	12 907.7	-	206.4	13 114.1
Hospitality	6.9	-	-	6.9
Supplies and materials	3 331.4	-	10.0	3 341.4
Furniture and equipment	4 887.2	-	920.0	5 807.2
Improvement of premises	168.6	-	308.0	476.6
Grants and contributions	1 430.3	-	-	1 430.3
Staff assessment	22 319.2	553.8	1 046.2	23 919.2
Total requirements (gross)	**235 177.1**	**3 971.7**	**12 239.6**	**251 388.4**
Staff assessment	22 319.2	553.8	1 046.2	23 919.2
Total requirements (net)	**212 857.9**	**3 417.9**	**11 193.4**	**227 469.2**

[a] Revised estimated requirements at 2004-2005 rates.

Table 2
Post requirements

Category	*A/58/269*	*A/58/368*	*S/RES/1512 (2003)*	*Revised estimated requirements*
Professional and above				
USG	-	1	-	1
ASG	1	-	-	1
D-2	1	-	-	1
D-1	4	-	-	4
P-5	29	1	1	31
P-4	82	4	6	92
P-3	154	3	8	165
P-2/1	112	2	5	119
Subtotal	**383**	**11**	**20**	**414**
General Service				
Principal level	7	-	-	7
Other level	175	2	10	187
Security	87	-	-	87
Local level	308	(1)	15	322
Field Service	24	1	-	25
Subtotal	**601**	**2**	**25**	**628**
Total	**984**	**13**	**45**	**1 042**

III. Conclusion

7. The additional requirements contained in the present report, which arose from Security Council resolution 1512 (2003), would require an adjustment to the proposed budget for 2004-2005, contained in the reports of the Secretary-General (A/58/269 and A/58/368), which are currently before the General Assembly.

8. **Accordingly, on the basis of the proposals in the present report, it is estimated that additional resources in the amount of $12,239,600 gross ($11,193,400 net) will be required for the proposed use of five additional ad litem judges. An additional amount of $1,046,200 would be required for staff assessment to be offset by income from staff assessment of the same amount.**